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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/672,656
Filing Date: September 26, 2003
Appellant(s): RIGGE, LAWRENCE ALLEN

Kevin M. Mason
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/21/2009 appealing from the Office action mailed 06/09/2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

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(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

7,050,017 B2	King et al.	05-2002
2004/0123193 A1	Gass	12-2002
2004/0097246 A1	Welch	11-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 12-14, 16 and 24-25 are rejected under 35 U.S.C. 103 (a) as being unpatentable over King et al. (US 7,050,017 B2) in view of Gass (US 2004/0123193 A1).

Consider **claims 1, 13 and 25**. King teaches a method for wireless communication between an integrated circuit device and a monitoring station, said method comprising the steps of:

transmitting a wireless signal from said integrated circuit device to said monitoring station using an antenna associated with said integrated circuit device wherein said antenna is a pin on said integrated circuit device (C1, lines 56-62, Col.3, lines 18-23, 31-39. Col.5, lines 51-65, Fig.1 show the RFID chip 10 in the form of integrated circuit device which transmitting signal to interrogation reader 30 as read on monitoring station wherein the RFID chip 10 having at least one pin is an antenna pin). **King fails to explicitly teach** monitoring station perform one or more of testing, debugging and evaluating said integrated circuit.

In an analogous art, **Gass teaches** monitoring station perform one or more of testing debugging and evaluating said integrated circuit (Claim 17 teach host device as read on monitoring station is a test and debug device).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify King with Gass's system such that the integrated circuit device have a pin antenna that wirelessly communicated with monitor device and monitor device perform testing or debugging in order to improve the wireless short rang operation at a reducing size or in a compact area.

Consider **claims 2 and 14**. The combination of King and Gass teach the method of claim 1. Further, King teaches wherein said antenna is incorporated in said integrated circuit device (Col. 3, lines 18-19).

Consider **claims 4 and 16**. The combination of King and Gass teach the method of claim 2. Further, King teaches wherein at antenna is printed on said integrated circuit device (Col.4, lines 22-26).

Consider **claims 12 and 24**. The combination of King and Gass teach the method of claim 1. Further, King teaches wherein said signal is a memory pattern to be applied to a memory area on said integrated circuit device (Col.3, lines 55-60).

5. Claims 5-7 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. (US 7,050,017 B2) in view of Gass (US 2004/0123193 A1) and further view of Welch (US 2004/0097246 A1).

Consider **claims 5-7, 17-19**. The combination of King and Gass teach the method of claim 1 **but is silent on** wherein said signal is transmitted in accordance with an 802.11 wireless standard.

In an analogous art, **Welch teaches** wherein said signal is transmitted in accordance with an 802.11/ultra wide band/Bluetooth wireless standard (Paragraph [0017]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify King and Gass with Welch's system such that signal transmitted in 802.11/ultra wide band/Bluetooth wireless standard in order to allow the users operate communications in short range.

6. Claims 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. (US 7,050,017 B2) in view of Gass (US 2004/0123193 A1) and further view of Schmidt (US 2002/0196029 A1).

Consider **claims 11 and 23**. The combination of King and Gass teach the method of claim 1 **but is silent on** wherein said signal is a test command.

In an analogous art, **Schmidt teaches** wherein said signal is a test command (paragraph [0009]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify King and Gass with Schmidt's system such that signal is a test command in order to enable communication on the mobile device.

(10) Response to Argument

- First and foremost, the examiner must give each claim presented its broadest, reasonable interpretation.

Appellant's argument with respect to claim 1 is that the prior art does not reject "wherein said antenna is a pin on said integrated circuit device".

The examiner respectfully disagrees, King et al. clearly teaches "wherein said antenna is a pin on the integrated circuit device" (Col.1, lines 55-62, Col. 3, lines 18-23, 31-39, Col. 5, lines 61-65, teach the RFID chip in the form of an integrated circuit and the RFID chip contain at least one antenna pin for wireless transceiver radio frequency for communication with the interrogation reader 30 (as read on monitoring station). Fig.1 illustrate the RFID chip 10 contain antenna 16 that wirelessly communicate with the interrogation reader 30 (as read on monitoring station) wherein the antenna can be either external or internal to the RFID chip 10 see col. 3, lines 61-65).

King clearly teaches the antenna is a pin for wireless transmitting/receiving with the interrogation reader/monitoring station, however the missing element is "the monitoring station perform testing debugging".

Gass is put forth to meet the limitation "monitoring station perform one or more of testing debugging and evaluating said integrated circuit (Claim 17 teach host device as read on monitoring station that perform one of testing and debug device, for the sake of clarifying, see Fig.1 that showing Host device 10 connected to target device and wherein the host device is a test and debug device).

The examiner also reminds the applicant that the **recent landmark KSR** ruling puts forth that simple substitution of one known element or application for another to a piece of prior art ready for improvement is not patentable under 35 USC 103(a).

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Accordingly, the claims are viewed as a combination that only unites elements with no change in respective functions of those elements and said combination yields predictable results.

Absent evidence that the modifications necessary to effect the combination of elements is uniquely challenging or difficult for one of ordinary skill the claims are also deemed unpatentable.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Conferees:

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Examiner, Art Unit 2617

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